



Date: November 12, 2024

VIA FAX (212-805-7942)

Honorable Judge Alvin K. Hellerstein
United States District Court Southern District of New York
Room 1050
500 Pearl Street
New York, New York 10007

Re: Request for Adjournment of Scheduling Conference

Case: Sanft et al v. Jewelry Designer Showcase, Inc. et al.

Case No.: 1:24-cv-04264-AKH

Scheduled Conference Date: November 15, 2024

So ordered.
The conference
is adjourned to
February 7, 2025.

Alvin K. Hellerstein
11/13/2024

Dear Judge Hellerstein,

My name is Marc G. Gross, Esq. and I represent the Plaintiffs in the above matter. I respectfully submit this letter to request an adjournment of the scheduling conference currently set for November 15, 2024. This is the second request for an adjournment of this conference.

1. Original Date: November 15, 2024
2. Number of Previous Requests: Second Request
3. Previous Requests Status: First Request Granted
4. Adversary's Consent: Counsel for Defendant JDS, Steven Miller, consents to this request.
5. Reason for Adjournment:

As the Court is aware, one of the Defendants, Arthur D'Annunzio, passed away. During our last call, the Court adjourned the conference to await the appointment of an administrator of Mr. D'Annunzio's estate by the Richmond County Surrogate's Court. This appointment is necessary for us to proceed with filing a Rule 25(a) substitution and to discuss scheduling.

However, the Surrogate's Court has still not yet appointed an administrator. The Probate Court File Number is 2024-1005. On September 6, 2024, the Surrogate Court Clerk requested additional information from the attorneys handling the probate. This information was submitted on September 20, 2024, but we have not received any further updates regarding the appointment of an administrator.

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Until the administrator is appointed, we cannot proceed with scheduling as all parties need to be present.

As the Court is aware, a Suggestion of Death was filed with this Court on August 8, 2024. However, that Suggestion of Death did not "invoke the 90-day time limit because it did not identify the representative or successor who may be substituted as a party." (see *Gronowicz v. Leonard*, 109 F.R.D. 624, 627 (S.D.N.Y 1986)).

6. Modified Schedule: I defer to the Court to select a new conference date, as it is unclear how long the Surrogate's Court will take to appoint an administrator. The parties suggest that we reschedule the meeting for mid-January 2025.

Lastly, that since defendant Jewelry Designer Showcase Inc's counsel resides in St Johns county Florida, and he has personal family issues that compel him to make care arrangements at home if he needs to travel, he therefore requests that the rescheduled conference be via teleconference as was the first conference.

Thank you for your consideration of this request.

Respectfully submitted,



Marc G. Gross, Esq.

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cc: Steven Miller, Esq. (Counsel for Defendant JDS)